G. R. Woodruff
Litchfield
Ct

Contents

Of Real Property

Things, wch subjects of Real property, are by ye L. L. of two kinds Real & Personal 2 Bl 16

Things Real are such as are ye fixed, permanent & immovable, as lands & tenements, all other things are personal, as goods, money, & chattels savouring of ye reality. 2 Bl 16 384 387 Inst 118 2 Wood 4

Things real are not only fixed & immovable but also permanent & in yis yy differ from Chattels real for they are fixed & immovable but not permanent

Things Real are said to consist in <u>Lands</u>, <u>Tenements</u> & <u>Hereditaments</u>

<u>Land</u>, in L. includes all things of a permanent & substantial nature 2 Bl 16

<u>Tenement</u>, is a word of greater extent, denoting in its original & legal sense every thing of a permanent nature yt may be holden, corporeal & incorporeal, as Land, rent, Franchises right of common &c 2 Bl. 17 Co L 6. 19. 20

Hereditament is a still more gen. term for it includes not only land & tenements but whatever may be inherited whether corporeal or incorporeal, real, personal or mixed Ex. Gr. heir loom wh. by custom is descendible, So a condition, y benefit of wh. may descend 2 Bl. 17 3 Co. 2

14

Hereditaments are of two kinds Corporeal & incorporeal 2

Corporeal

Corporeal hereditaments consist of permanent & substantial objects all wh. may be included in y gen. denomination of land, for land in legal acceptation comprehends not only ground soil or earth but water & buildings 2 Bl 17, 18 Co L. 4

Woods

Hence a conveyance of land passes all buildings & structures, wells, gutters, standing on it (unless reserved) also waters &c &c

But an action will not lie to recover a pool or other or stream dam of water eo. nomine, but y description should be so much land covered with water For in water one can have only a transient usufructuary property 2 Bl. 18

Land in its legal signification has also an Indefinite extent upwards & downwards Not only y surface of y ground belongs to y owner of y land but y earth below & y species of atmosphere immediately above it "cujus est solum ejus est usque ad cœlum" &c

is y maxim of y Law upwards. Hence y right of action for overhanging one's land 3 Bl 18

Hence a conveyance of Land carries all y minerals & fossils contained in it as well as y wood waters & buildings upon it 2 Bl. 18

These particular subjects may however be conveyed by y appropriate names, except in y instance of waters by a grant of wh. nothing passes but a right of fishing in it 2 Bl 18.19 Co. L. 4.5.6.

3 An Incorporeal hereditament is a right issuing out of, concerning, annexed to, or exercisable within or upon a thing corporeal (personal or real) Incorporeal

Ex. Rent issuing out of Land, an Annuity &c 2 Bl 20 Co. L. 11. 19. 21 Right of way

But there is a difference between y Incorporeal hereditament itself, & y profit wh. it produces The latter is a thing corporeal Ex y money produced by y rent is corporeal, but y right itself is incorporeal, not an object of sense 2 Bl. 20. 21

For y kinds of Incorporeal hereditaments wh. are ten See 2 Bl. 21 et ult.

Many of these are unknown to our Law. Thus advowsons, tithes, & offices are not regarded as hereditaments, so Dignities

Here no offices are descendible so of dignities & corodies; tho' corodies may exist here.

But a right of common, right of way, annuity, pension, rent & franchise are incorporeal hereditaments by our Law

As to a right of common — this is a right wh. one has to a profit in or upon y land of another as to feed his beast, to catch fish 2 Bl. 33. 32

Such right not common in this country as formerly — frequent in Eng

As to common of piscary (y right of fishing on another mans land) y Rule in y case of a navigable river, or an arm of y sea, is yt y right of soil in y bed of y river is prima facie in y King as here y State But y right of fishing is common. In rivers not navigable y right of soil & fishing is exclusively in y adjoining proprietor 4 Burr. 2164 (Doug 425 1 Mod 105 2 Rol. 170 Sal. 357 3 Keb. 242 4 T.R. 437 2 B & P. 472 1 Lev. 341 1 Conn. R. 382. 510 6 Mod 73

But y right of soil in a navigable river (as well as y exclusive right of fishing) may be granted to an Individual 5 Co. 107 2 B & P 472 Doug 326 b Hargreave's Tracts 12. Hale de jure maris 26, 7 1 Conn. R. 382. 510

The same distinctions as given in y case of navigable rivers apply to y sea shore between high & low water mark i.e. y soil belongs prima facie to y King or Public, but every subject or citizen has a right to fish upon it

[illegible]

[illegible]

[illegible]

[illegible] 5

[illegible]

[illegible] General Arrangements

[illegible] 6

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

But as to a decree of a court of equity in a case [illegible] 2 Ch. 224

A decree of a court of equity in a case "[illegible] railroad company [illegible] 29 [illegible] 2 Ch. 343 (1893)

So a decree [illegible] "[illegible] 497 [illegible]

But word "[illegible]" does not [illegible] [illegible] 3 [illegible] 290 (1875)

[illegible] passes a fee 2 R. R. 222 [illegible] similar state

[illegible] "[illegible] 6 [illegible] 2 R. R. 343

[illegible]

[illegible]

[illegible]

12 [illegible]

13 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2 Bl. 1

[illegible]

2 Bl. 110 or 110-1

[illegible]

[illegible] 1 Bl. 112

[illegible]

[illegible] 2 Bl. 112

[illegible]

[illegible] 2 Bl. 113 [illegible] 815

17 [illegible]

[illegible] 2 Bl. 113 2 Bl. 112

[illegible]

[illegible] of a permanent nature

[illegible] 2 Bl. 113 [illegible] 4 Q [illegible] 53

Dignities

Dies

— *vide* "Executory Devise"

[illegible] are contin- [illegible] strictly [illegible] remainder [illegible] 1 P. Wms. 432. 603 Fearne 360, 361 &c.

[illegible] express [illegible] entailment may be [illegible] subsequent limitation [illegible] interest [illegible] Fearne 54 [illegible] Cal. 225 1 P. Wms. 648 2 [illegible] 70 [illegible] Cas. 232. 235

An estate tail may [illegible] by implication * Ex. (devise to A & his [illegible] B [illegible] 2. Bl. 115. 381) Fearne 17[illegible]. 300 3 [illegible] R. 83 [illegible] 1 P. Wms. 605 3 Ath. 398 [illegible] 343 [illegible] 525 2 Ath. 308, 10, 14 [illegible] 415 2 Bl. 351 Com. 539 Reading [illegible] 24
* [illegible] B"

So if a devise to A & his heirs [illegible] die without heirs of his body to B. A takes an estate tail Fearne 170. 301, 2 7 T. R. 276

So if [illegible] if he dies without heirs" [illegible] 3 T. R. 1450 [illegible] T. R. 5. 211 5 [illegible] 233 [illegible] heirs means heirs [illegible] case [illegible] remainder over [illegible] collateral heirs [illegible] testator [illegible] 5 [illegible] 337

2 For the species of Estate tail see 2 Bl C 113, 14 Gen. & Special; tail male gen.; tail female gen.; tail male special; tail female special; Lit § 14. 15. 16. 20—9

Estates Tail are General or Special

[illegible]

[illegible] make [illegible]

[illegible] 2 Bl. 114 Co. 2. [illegible] 71

[illegible] "[illegible]" [illegible]

necessary to create a [illegible] 2 Bl. 114, 115, 115

2 Bl. 151 Co. 2. 19

[illegible]

[illegible] 2 Bl. 115 Co. 2. 20

[illegible] made [illegible]

[illegible] make [illegible]

[illegible] 2 Bl. 115 [illegible]

[illegible] 5 [illegible] 33 [illegible]

[illegible] "[illegible]" [illegible] 2 Bl. 121 Co. 2. 36

[illegible] 2 Bl. 122 [illegible] 2 Bl. 122 Co. 2. 38

[illegible] The [illegible] man in [illegible] 382 2 B[illegible] 381 5 [illegible] 335 2 B[illegible] 115 [illegible]

Thus a devise [illegible] without [illegible]" [illegible] single [illegible] without [illegible]" [illegible] devise [illegible] 2 B[illegible] 115, 381 [illegible]

[illegible] devise to A & his children [illegible] no children at ye time of ye devise, [illegible] issue [illegible] having none at [illegible] take [illegible] immediately [illegible] in esse [illegible] remainder, [illegible] immediate [illegible] 300, [illegible] 400 [illegible] 4 [illegible]

But a devise to "A & his children" [illegible] living children at the time [illegible] take *together* [illegible] 316 [illegible] 232

unless [illegible] children [illegible] in esse [illegible] take with A [illegible] 314 [illegible]

Here there are no [illegible] limitations [illegible] completely [illegible]

[illegible]

[illegible] 21

[illegible]

[illegible]

[illegible]

But [illegible] [illegible] [illegible]

[illegible]

[illegible] 21

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

22 [illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

25 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1. [illegible]

[illegible]

2. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] the [illegible] [illegible] [illegible]

28

[illegible]

[illegible]

[illegible] [or by [illegible], or for life [illegible] and the
[illegible] to the disposition of the heir at Law]

[illegible]

[illegible]

29

[illegible]

[illegible]

[illegible]

estate or fee are merged & cease to exist, or where fee is vested in a person who is deemed [illegible] 2 Bl. 177 Co. Lit. 338

[illegible] 2 remainders [illegible] to exist till ex [illegible] is [illegible] 2 Bl. 177 Co. Lit. 338. [The legal remainder may exist after a [illegible] remainder ceased to exist]

30 Thus estate is of a mixed nature, partaking of the nature of an estate tail & partaking of the nature of an estate for life; of tenant in tail as it may be, it has the power of barring the estate & altering in the [illegible] remainder in tail, as not being liable to waste 2 Bl. 175 Co. Lit. 223.

But if a tenant for life marries a woman [illegible] his, it belongs to a person [illegible] time was a first estate of inheritance in a female. In such case a immediate remainder to the heir or heirs, the [illegible] in esse is entitled to it. But [illegible] first [illegible] to the [illegible] remainder to [illegible] in esse, it is [illegible] 2 Plo. 414 2 Bl. 25 n

But if an [illegible] is remainder in [illegible] or [illegible] [illegible] Plowd. [illegible] with a tenant for life 2 Bl. 170, 183

VI Tenant by the Curtesy of England

Tenant by the curtesy is where a man marries a woman seised of an estate of inheritance & has by her issue born alive [illegible] capable of inheriting her estate, in this case he shall on the death of his wife hold the lands for his life as tenant by the curtesy of England. 2 Bl. 126 Co. Lit. 29 (for what follows respecting Curtesy [illegible])

To make a tenant by the curtesy there are four requisites, marriage, seisin of the wife, issue, and death of the wife 2 Bl. 127 Co. L. 30

First, the marriage must be canonical & legal [illegible] ... right [illegible] 2 Bl. 127

(The husband is not entitled till his wife is dead [illegible] there is no complete marriage 2 Bl. 127, 130 [illegible] 103 Co. L. 30)

Second, seisin of the wife: it must be an actual seisin (2 Bl. 127 Bac. 158) a mere right of possession is not sufficient, for in such case issue could not inherit* (Bac. 66 Curtesy) 2 Bl. 127, 8 Co. L. 11(b) 15(a) 29. 40 Hence a husband is not entitled to be tenant by curtesy in a remainder or reversion 2 Bl. 127, 8 and [* he does not inherit from his ancestor but from a former ancestor, or in a fee tail of indefeasible [illegible]

[illegible]

There is one exception in some cases of [illegible] where [illegible] is impossible 2 Bl. 127 Co. L. 29

[illegible]

[illegible]

32. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Treason

[illegible] 2 BC 129 [illegible]

[illegible] 2 BC 130

[illegible] 2 BC 130

[illegible] 2 BC 130 [illegible]

[illegible] 2 BC 130 [illegible]

[illegible] 1 Hal 57 But by [illegible] 5 & 6 Ed 6 [illegible] 2 BC 130.1

[illegible] Treason [illegible] 2 BC 130

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 32

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

30 [illegible]

[illegible]

[illegible] 2 Bl. 37

[illegible] 37

[illegible] 2 Bl. 37 4

[illegible] 2 Bl. 37 4

[illegible] 2 Bl. 5 [illegible] 27. 27
2 Bl 125 — [illegible] by alienation of reason &c
in waste & alienation both tend to the disinherison of the reversioner.]

[illegible] less than Freehold

[illegible] [illegible] [illegible] kinds

I. [illegible] years
II. [illegible] will
III. [illegible] sufferance } 2 Bl 140

I. [illegible] [illegible] years [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] period.

Ex. for 20 years, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2 Bl. 140 2. [illegible] 143, 07

He who [illegible] [illegible] is [illegible] [illegible] the lessor or owner [illegible] [illegible] [illegible] 2 Bl. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] year. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

So "twelve months" means [illegible] [illegible] only. But "a twelvemonth" means a [illegible] [illegible] 2 Bl. 141. 6 [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] no notice of [illegible] [illegible] [illegible] [illegible] [illegible] generally [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2 Bl 135

[illegible] Co. L. 42 Co. L. 46

[illegible] 39

[illegible] Co. L. 45

[illegible] Co. L. 48 [illegible] Co. L. 46

[illegible]

[illegible] 3 Co. 5

[illegible] Co. L. 40

[illegible] Co. L. 45 [illegible]

40

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

41 It lemont for yours contess yes Bronze
to special agreement [illegible]
for life A BETHY, [illegible] Co. L. 4b cents 70

[illegible]

[illegible] if there is any impudence it is his own fault [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

4

[ ]

[ ]

[ ]

[illegible]

[illegible] The year is of course a [illegible] [illegible]

[illegible]

[illegible]

[

No such Stat here

4 John R 115. 3 East 449

[illegible]

in

[illegible] and [illegible]

[illegible]

[illegible]

[

by the same act

[illegible]

[illegible]

2

interest

414

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

A vested estate is one vested in interest whether in possession or not

[illegible]

[illegible]

to or

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

such

11

IIII

IIII

concurrent Sale 44. Feanne 401-18-9-20. Doug 325.476 n 1.

id

2 Bl 173. Jeanne 303-4

[illegible]

devise

executor of Devise,
executors of Devises, executors of Devise, executor of Devise,
Contra 4 Kent 197. 265.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

24 [illegible]

[illegible]

[illegible]

[illegible] is [illegible]

[illegible] vestee [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible] a [illegible]. [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Of Effects upon Condition

Condition

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] *[illegible]

Ex. [illegible]

Denkung, reim auf L. [illegible], mem. wert [illegible] [illegible] 411

4

[illegible] Def. in Wertment [illegible] [illegible] 460 L. [illegible] 5

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

6 [illegible]

[illegible] Contracts" 17.

[illegible]

[illegible]

[illegible]

[illegible]

In this case a grant [illegible] 3, 4

[illegible]

7 [illegible]

[illegible]

Mortgages

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

As soon as a Prisoner is delivered a Warrant
2 is received [illegible]
immediately [illegible]

9 Oc 77

10

[illegible]

[illegible]

[illegible]

[illegible]

4 Kent C. 136.

16

Const. A.

*i.e. actual or notice whether

or 4 Kent 149

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

When a term of years is mortgaged by assignment in order to secure payment of a debt, the term is the property of the creditor. The creditor's title is complete upon the assignment being executed and possession given. [illegible] 5 Ves. 688; see also [illegible] a more recent case [illegible] assignment is a valid security. Thornton v. Hoy, 11 Ves. 501. Note also [illegible] 195 [illegible] 3 [illegible] 2d [illegible]

13 But if the transfer is made [illegible] assignment [illegible] 92; [illegible] 05 [illegible] assignee [illegible] 2 [illegible] 350 [illegible] 20 [illegible] 73

The interest will revert to the assignor upon payment of the debt secured by the mortgage [illegible] 351 or [illegible] 447.450 [illegible] 17/ or revert to the mortgagor [illegible]

There is a [illegible] by reason of the [illegible] the [illegible] interest in the [illegible] will then pass [illegible] 55

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

25

before

20

Thermometer table No.

[illegible]

[illegible]

[illegible]

30.

"Title by Execution"

Title estate is to see as 1:3

Ver 921

1 Ver 295, 907

[illegible]

his.

[illegible]

33 [illegible]

[illegible]

[illegible] Nov 94

[illegible]

[illegible]

[illegible]

34 [illegible]

[illegible]

Lar

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 35

[illegible]

6 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Ex. [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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44 [illegible]

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[illegible]

4th [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] pay a whole principal & interest

[illegible]

[illegible]

[illegible] Fee & correction terms only Exp.

18 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible] 257

[illegible]

[illegible]

[illegible]

[illegible] 190.234

II

III

I

See Vice 4 Kent C. 145. 2 Johns Ch Ca 603.

98.

Indle not

Have

not such a lien

60

61.

[illegible]

[illegible]

[illegible]

03

64 [illegible]

Bucaré 1895

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

65 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Mee [illegible] till [illegible]

[illegible]

[illegible]

[illegible] Mee [illegible] 130 2 Atk 352 2 P.W. 494 2 Ver 662

[illegible] Mee [illegible] Eq. [illegible] 130, 1 Ve. Jr. 220 2 Eq. Ca. Ab. 594

[illegible]

[illegible]

Ex. M. [illegible] Bulkeley [illegible] 3 Bac 044

[illegible]

[illegible] creditors [illegible] 3 Bac 503 2 Ch 49 Eq. ca 320, [illegible] cal 449

[illegible]

[illegible] 230 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

73 [illegible]

[illegible]

[illegible]

[illegible]

74 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] coal tick [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

78.

[illegible]

80

[illegible]

[illegible]

[illegible]

6. [illegible]

[illegible]

[illegible]

[illegible] 8c

[illegible] v. Solmo 2 [illegible] 7 [illegible] 478 1 Count 559

[illegible]

[illegible] 311 [illegible]

[illegible] 8,7

[illegible]

[illegible]

2 [illegible]

[illegible] 2 [illegible] 1 [illegible] Tal. 41 2 Ser. 51

689 Dolan-

91

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible] 00

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 00

[illegible]

[illegible]

10

103

04

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

10 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

13 [illegible]

(b) [illegible]

14 [illegible] Method of Accounting

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[

[illegible]

[illegible]

[illegible]

[illegible] 123

[illegible] 479

[illegible] 07 Per a vertical foreclosure on a bill to redeem

[illegible] the bill ex officio entire a defect

[illegible] 1/2 secus of other 1/2 estates held in chattels real &c

[illegible] 124

[illegible] 303 [illegible] 605, 35 [illegible] Pow 480 Rq ca 328

[illegible]

[illegible]

191

[illegible]

[illegible]

[illegible]

[illegible] 663 185 Por 492

[illegible]

190 [illegible]

[illegible]

[illegible] Ch 185

2 vers 29

[illegible]

[illegible] 12 p

[illegible]

[illegible]

[illegible]

[illegible]

128

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 130

[illegible]

[illegible] is a partial opening

[illegible] to in case of inevitable accident

[illegible]

[illegible] 131

[illegible]

[illegible]

[illegible]

further order

Estates in Severalty joint Tenancy Coparcenary & Common

[illegible]

[illegible]

III [illegible]

[illegible]

2 1. Estate by creation [illegible]

[illegible]

2. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

4 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 59.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

2 Cranch 109 1 Conn R 354

[illegible]

[illegible] 2 Bl 83

[illegible]

[illegible] Bit not otherwise [illegible]

[illegible]

[illegible] 2 Bl 83

[illegible] 2 Bl 83 [illegible]

Crots 299

32 185

Mod.

Municipal Law Case

New Cases

astronomy

[illegible]

[illegible] seques [illegible]

[illegible]

[illegible] 5 [illegible] 50 Francs by our Law

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

13 [illegible] i.e. it is [not advantageous to us]

but y effect of y judgment is to eject a tenant in possession, not to put y other out of possession

[illegible]

[illegible]

[illegible] Co L. 105 [illegible]

[illegible]

119 [illegible] 122 Lit. 265

The manner [illegible]

[illegible]

*J. P. always supposed they must sue & be sued jointly in these cases That they may sue & be jointly or severally is upheld in Comnt. v. M. & [illegible]

17

Take word to be incorrect - J. E.

IV. [illegible]

19

19

20

1

2

3

4

5

6

Saint Jeanne — former les Lazaresses, n.° 10 rue — Croix St. Jean-
ce 2 BL 193 Ci. 2e

23

There is no survivor
such between tenants in com.

[illegible]

[illegible]

[illegible]

Also [illegible]

[illegible] Let p 315 [illegible]

[illegible]

[illegible]

[illegible] reserved [illegible]

[illegible]

[illegible]

[illegible]

26 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

28 [illegible]

(The Defd is obliged to confess these notice he is allowed to plead)
* But for no other purpose

[illegible]

[illegible]

La Tête de Lièvre

Jacob

Pierre et Jacob Lièvre [illegible] [illegible] [illegible]

(Deeds

Doues

[illegible]

[illegible]

[illegible]

Deeds. (5)

Nature of Deeds

[illegible] common Assurances [illegible] 2 Bl. 294 [illegible]

These conveyances are of four kinds

I. Deeds or matters in pais

II. Matters of Record [illegible] Assurances [illegible] of Record

III. Assurances [illegible] custom

IV. Devises 2 Bl. 294 4 Cruise 9 [illegible]

[illegible] 2 Bl. 256 [illegible] 10 [illegible] 300

The making of a deed is [illegible] Deed [illegible] 219 [illegible] 247 [illegible]

(Decis

[illegible]

[illegible]

[illegible]

Deeds

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Regulation

Seals

8 II [illegible]

[illegible]

[illegible]

[

Deeds

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

10.

[illegible]

11.

[illegible]

(Decl 3

12.

Wells

13.

14.

Texas

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Crench 109. 8 Mass 256.

[illegible]

15.

16. [illegible]

[illegible]

17

[illegible]

18.

Texas

19

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

20.

[illegible]

[illegible]

[illegible]

[illegible]

Deeds

21.

Deeds

(Scale

[illegible]

[illegible]

[illegible]

IV. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Dells

[illegible] 10 Mich 40

[illegible]

[illegible] 4 Ency 35 to 2 Bac 1 to 11 [illegible]

[illegible] 4 Ency 35 to 2 Bac

[illegible] 4 Ency 35 [illegible]

26. 4 Ency 35 to 2 Bac [illegible]

[illegible]

[illegible] 77 Eng 6

27. 223. The [illegible]

[illegible] 208 4 Ency 467 [illegible] 302

[illegible]

[illegible]

[illegible]

4 [illegible] (Deeds

29. 5 [illegible]

6 [illegible]

30. [illegible]

Deeds

[illegible]

[illegible]

[illegible]

[illegible]

31.

[illegible]

[illegible] Jeeals

[illegible]

[illegible]

[illegible]

[illegible]

32. [illegible]

Deeds

Duties

VI Claims [illegible] 35.

[illegible]

Is reading necessary to know [illegible] 307

[illegible]

[illegible]

[illegible]

[illegible]

If a [illegible]

But a [illegible] 36

Deeds

37. VIII [illegible]

[illegible]

Doers

[illegible]

"ait" a

[illegible]

"ait" [illegible]

38. [illegible]

[illegible]

39. [illegible]

(Jeuli

10.

Deeds

41.

Series

[illegible]

[illegible]

[illegible]

Decu.

base

Decay

45.

Decd

46.

Deeds

Consistent

47.

48. VIII [illegible] Deeds

IX [illegible]

49

X [illegible]

Deed. How avoided.

54. [illegible]

Deeds

55.

Jacob's

56. Kinds of Jacob's

[illegible] Deeds

[illegible]

[illegible]

[illegible]

[

58.

60.

Bells

61.

for want of assent now 20!

Leeds

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

II [illegible]

2. III [illegible]

[illegible]

Section

3.

III

4.

excellent

5.

6.

Question

7

8.

exp in

12 [illegible] 220. 385. 2 [illegible] 417-5. [illegible] 13 Car. 2 [illegible] 210. 17 Hug. 240
16 v. 402

2 H. 438 [illegible]

Execution

10.

1007459

17—

£ 1

per yd

execution

Com. Ⓓ. F. pl. 32. 1

20.

21.

Vol. 9

.6. 186

Question

demur"

Co Litt 71a.

See Series in Comm. From which death and moralings are stated, it might defeat the [illegible] law

eqr
1

will is a assignment of an
Ex^r. a Testament is an <u>express</u> disposition of personal property
Lov. 1. 2

Transactions 7

2

al prop.

D.

Letters

Vide S. Court Pet. 32. Ex. 1. 51.

Devises

[illegible]

[illegible] 8 Feb 1810 & Day 20th marriage & publication of wills not after death of testator: but if witnesses are present, instrument is an escrow Belden & Carter & Day

[illegible]

[illegible] 4

[illegible] White

[illegible]

Devises

Lerises

according

to 4 St.

Lev 70 3 " 119

Letters

[illegible]

[illegible]

[illegible]

Decrees

27 Marne 191

nes

10.8

to a mere mar

or

[illegible] Persons

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Terrises

[illegible]

[illegible]

[illegible] The contract [illegible] same at [illegible] Era.

[illegible] 12

[illegible]

[illegible]

[illegible] 13

[illegible]

(Dépenses

14

[illegible]

[illegible]

[illegible]

Leases

[illegible]

[illegible]

10 Of the Licences [illegible]

[illegible]

First. The clause must be in writing. This requisite includes all [illegible] for 00 25,0 [illegible] 34) [illegible] 0 [illegible] [illegible]

Second. If made [illegible] or by some other person in his presence [illegible] prescribed in Rule 47,5,0

17 [illegible] necessary either here or in [illegible] [illegible] [illegible] do not [illegible] 0.70 [illegible] 0 [illegible] 120 Cor 204

[illegible]

A devise [illegible] 8 [illegible] Devises
[illegible] in writing [illegible] witnesses [illegible] instrument [illegible] must be [illegible]!

Maine. The devise must be [illegible] "subscribed" in his presence [illegible] credible witnesses [illegible] present, consequent [illegible] execution [illegible] devises [illegible] 08 [illegible] 60.

10 The [illegible] witnesses are to [illegible] 1. The sign [illegible] 08. 2. The [illegible] signature [illegible] 3. The place of subscription Pow 80 [illegible] 07–59

2. They are [illegible] of [illegible] in [illegible] presence [illegible] signature [illegible] 09 [illegible] 69 [illegible] 09. 10

[illegible] whence [illegible], the testator's name must be [illegible]. The [illegible], [illegible] exception [illegible] is not sufficient [illegible] 06. 70 [illegible] 56 [illegible] 19 R 305

Devises

Terrises

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Delisle

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Witness

[illegible]

[illegible]

24 "In y presence of y Testator" These words are held synonymous with y words "within y view" &c & if they subscribe within his view y subscription is suff.t Pow. 90. 2 Str. 377. By y word "view" is meant "possible view" so y if y Testator was in a situation, wh. he might have seen y witnesses subscribe, y subscription is in his presence. Ibid: where he might have seen into gallery thro a glass door Pow. 90. Salk. 395. 688. Carth. 81. 1 Eq Ca. ab: 403. 8. Doug 232

Devises

This provision is designed to prevent not only fraud, but any mistake as to y identity of y instrument. 2 Str. 377. Doug. 232. Pow. 98. So if y curtains of his bed are closed, yet a subscription in y same room it is G. is suff.t because it is in his power to see them. Pow. 92. Salk. 395.

It is not necy y Testator and witnesses shd be in y same apartment or house. Ibid: Tho in her carriage before an all.y's office door, Lying Office. Pow 92. Bro. ch: 99. But y subscription tho in a contiguous apartment is not good unless y testator might have seen it Pow 92 Carth. 79. Comyns 96. (1 Show 379. Pow. 98 Doug 232.) 1 Show. 89. ~~Holt~~ Holt 222. 1 P. Wms 235. Comb 176 2 Show

They witnesses are (to subscribe) at y testators request the above rule applies. Pow. 94-5. 2 Show. 288. The clause being intended to prevent, not only fraud, but any mistake as to y identity of instrument. 2 Str. 377 Pow. 98. Doug. 232.

C. E. Sherman City of N.Y.

Lenses

[illegible]

[illegible]

[illegible]

Devises

[illegible]

[illegible]

[illegible]

[illegible]

Lenses

Credited Lenses

[illegible]

Losses

36

Devises

Abr

12 Nov 1777

Devises

[illegible]

[illegible] 30

[illegible]

[illegible]

[illegible]

J.G. Phillips [illegible] credible [illegible] conduct of a witness at time of examination

2. [illegible]

[illegible]

Devises

32

[illegible]

[illegible]

[illegible]

(Diverses)

[illegible]

[illegible]

[illegible]

Dorses

Chevaux. [illegible]

Bœufs. [illegible]

Moutons. [illegible]

Porcs. [illegible]

Mulets. [illegible]

Ânes. [illegible]

[illegible]

Non-Sense Memory. 3. [illegible] Verse
memory ([illegible]) [illegible]
[illegible] mental [illegible]
[illegible] 407 [illegible]

32 [illegible]
[illegible]
[illegible] memory i.e. [illegible]
[illegible]
[illegible] 00

[illegible] memory [illegible]
[illegible]
[illegible]
6 [illegible]

[illegible] 4. [illegible]
[illegible]
[illegible]
[illegible] 225 [illegible]
[illegible] 32 [illegible] 40, [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

33 [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 1800 [illegible]
[illegible] 16 or 163

at E. L.

[illegible]

[illegible]

[illegible]

1. [illegible]

2. [illegible]

[illegible]

[illegible] Hen. 2 title 35.401

[illegible]

[illegible]

[illegible] 45

[illegible] Restituir [illegible]

[illegible]

[illegible]

[illegible] 43

[illegible] Kepler [illegible] 205 (Rec. [illegible] Genève N 41)

[illegible] 25

[illegible] 42,7 [illegible] 102 [illegible] 238 [illegible]

[illegible] 75

Devises

Joint Tenants [illegible]

44 "[illegible] Where are not expressly modified as Tenants but limited in 34 Hen. 8 is expressly in [illegible] received in reversion, remainder [illegible] expressly [illegible] executed devises" Per 170 12, 218 Leg. ca ab 172, 8

Joint Tenants cannot devise. A joint tenant cannot devise to use. They are not within the other tenants rule not [illegible] state. Per 260

If a joint tenant make a devise of his part & survives his companion [illegible] it is void ab initio. He has nothing then to be devised devise. Per 170, 8 1 Bl R 470 Leg ca ab 172 Perk 500 / 3 Bur. 1488 3 Co 31 Post 87 In this State a Jt. Tenant may devise Post 15

If devises are joint tenants having survived his co-tenant. Then devised a power it is good. Perkins [illegible] received in reversion Per 170, 7

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

40 [illegible] Dennis

[illegible]

But it does not appear that the [illegible] [illegible] [illegible]

Certificate

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] are not devisable under 32 Hen. 8 [illegible]

[illegible] are not devisable [illegible] because not [illegible] but mere easements [illegible]

Rent rents are devisable under 32 Hen. 8 [illegible] 1585 [illegible] 20, [illegible] 0.4

Q. An annuity in fee [illegible] devisable [illegible] different [illegible] 2 144

Q. What estate or what interest a devisor must have in a thing to be devised under 32 Hen. 8

[illegible]

[illegible]

[illegible]

Devises

[illegible]

[illegible]

[illegible]

Leases

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Devises

Uses & Trusts [illegible] 51
[illegible] in [illegible]
[illegible]
[illegible] 183 [illegible]
[illegible] 171. 8
[illegible]

If a [illegible] is devised to one [illegible] nothing being limited upon it, it cannot be averred to be to the use of some other than the devisee, for that would be contrary to intent upon the face of the instrument. [illegible] 271 [illegible] 15

But where a use is devised [illegible] the use [illegible] will be executed by the [illegible] Vin 171 2 Com. 312 [illegible] 233 [illegible] 4 [illegible] 52
[illegible]
[illegible]

2. In an equitable [illegible] may be devised [illegible] Vin 182^5 8 2 [illegible] 330 [illegible]
[illegible]
[illegible]
[illegible] 3 [illegible]
executed [illegible] 2 [illegible]
350 Eq. ca. ab. 389 [illegible] 38

[illegible] 2 [illegible]
[illegible] the difference [illegible]
[illegible]
[illegible] 182 [illegible]

54 For the distinction between trusts ex- Trusts
ecuted & executory [illegible] 3, [illegible] 6, 7 [illegible] 581

1. Where [illegible] in the in-
strument creating [illegible] executed [illegible]
[illegible], it is executory

2. Where no further conveyance [illegible]
[illegible] an executed [illegible] must
not [illegible]
[illegible]
[illegible]
[illegible] other [illegible]
[illegible]
2 [illegible]

Powers [illegible]
not [illegible]
such interests [illegible]
[illegible]
[illegible]
[illegible] Not to
sell or lease for years [illegible]
200 [illegible] 36 [illegible] 14, 74, 361 [illegible] 14. 40

0 [illegible]
[illegible] that [illegible]
[illegible]
[illegible]
330. 4 [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 23, 43 [illegible] 324.)

Levises

[illegible]

1. Regret [illegible] 61

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

23 [illegible]

[illegible]

[illegible]

Terms

Powers coupled with an Interest

04

[illegible]

[illegible]

[illegible]

[illegible] (Pertes)

[illegible]

[illegible]

[illegible]

66 [illegible]

[illegible]

Estelles

[illegible]

[illegible]

[illegible]

07

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Devise

[illegible]

[illegible]

[illegible] Co L. 129 b Cy. 345 Pd Chid 64-67 estates in Poss^n & Expectancy 29

2. [illegible] in esse as a [illegible] in remainder [illegible] 2 Estates — possession 28

[illegible] Co L. 1 [illegible] [illegible] 2 Bacis L^t. 270 [illegible] 2 Ed. 228

2 [illegible]

[illegible] 2 Bac 1 [illegible] 4 312

Devises

See [illegible] devises [illegible] 384 [illegible]

[illegible]

[illegible] 3125 [illegible] 2 [illegible] 131 [illegible] 3 [illegible] 119 Freeman 419 [illegible] 1 301 [illegible] 3 Bac 124 [illegible] 600

The last distinction does not extend to devises but direct or rather immediate devises to infants in ventre sa mere and heir [illegible] estate preceding. So under a devise to such children as I shall have living at my death a posthumous child will take 5 T.R. 51 and Prec Ch 50 [illegible] 116 2 Freem 223 2 H. Bl. 399 1 B & P 243

But whether a devise to an unborn in[illegible] according to [illegible] 3 [illegible] are contradictory [illegible] 3 Bac 1 [illegible] 190 [illegible] 135. 150 Freem 244 2 [illegible] Freeman 415 [illegible] 330 3 Bac [illegible] 470 and 4 Bac 25 [illegible] 1 B [illegible] 243 2 [illegible] 225

[illegible]

71 [illegible]

[illegible]

[illegible]

72 [illegible]

[illegible]

Verses

II

2 Cont 1287

73

Jersey

[illegible]

74 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] States in Lands Jeremy 2 L 20

[illegible]

[illegible] 110

[illegible]

[illegible] 110

[illegible] 70

[illegible]

87, 176

[illegible] (Devises)

[illegible] either General or Special [illegible]

[illegible]

1. Gravure [illegible]

[illegible]

Port 80

[illegible]

[illegible]

27 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Clause

[illegible]

[illegible]

[illegible]

[illegible]

Denise

[illegible]

[illegible]

[illegible]

179

[illegible]

2

[illegible]

Decisions

[illegible]

Where [illegible] are [illegible] [illegible] [illegible]

Devises

Estate for life [illegible] to the eldest issue male in [illegible] by [illegible] [illegible] it takes for life [illegible] [illegible] had been limited to the eldest [illegible] [illegible] [illegible] [illegible] [illegible] Dougl. 342 [illegible] [illegible] [illegible] his eldest issue male, [illegible] [illegible] [illegible] [illegible] for life [illegible] issue male [illegible] [illegible] Pow. 350 Sel. 224 2 Rev. 203

52 *Issue* in its most [illegible] sense [illegible] [illegible] to personal [illegible] it has been [illegible] construed as word of limitation except where [illegible] intention to use it in its [illegible] sense has been manifest Pow. 360 [illegible] [illegible] [illegible] [illegible] 194

Where an estate is devised to A for life & after to the next heir male of his body & to the heirs male of such "heirs" [illegible] [illegible] [illegible] [illegible] takes for life only & his next heir male a rem. [illegible] [illegible] otherwise [illegible] [illegible] [illegible] words are [illegible] Pow. 365, 4 [illegible] 106 Fearne 15 [illegible] [illegible] [illegible] limitation [illegible] [illegible] life [illegible] [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] limitation [illegible] more [illegible] [illegible] technical [illegible] words of limitation Fearne 141, 151 [illegible] 14, 57 [illegible] 411

2 limitation [illegible] may be [illegible] actual [illegible] of [illegible] [illegible] [illegible] limitation [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 157

Dépenses

[illegible]

[illegible]

[illegible]

Cerises

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

taken jointly

Cerises

[illegible]

— Lacs Canadiens

[illegible]

Valeur en Bos^e ce 24

Cerises

94

Causes

99

[illegible] (Devises

[illegible] Pow. [illegible] [illegible]

10 But if a devisee is a creditor [illegible] does not [illegible] [illegible] under it

So if land [illegible] a legacy [illegible] Statute [illegible] devised [illegible] legacy to it, [illegible] not apply [illegible] not [illegible] devise (Pow. 458 [illegible]) [illegible]

Dorthet

Lettres

[illegible]

[illegible]

[illegible]

Terms

[illegible] 104

[illegible]

[illegible]

[illegible]

X

Condition [illegible]

[illegible] Co has been accustomed to carry, y prima facie [illegible] y devise [illegible] y [illegible] stands with words of y devise

[illegible] 104

[illegible]

104 [illegible] (Leases)

[illegible]

[illegible]

105 [illegible]

[illegible]

[illegible]

[illegible]

Paises

Jersey

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Lettres

Devises

112

113

Decided

114

115 Dépenses

[illegible]

116 [illegible]

Devises

Houses

115

#5.

112

Lorses

120

For 530

Derise

124 [illegible]

125 [illegible]

Letters

220

McJS.

8

Verses

[illegible] 54 [illegible]

[illegible]

[illegible] cannot [illegible] committed to [illegible]

112 [illegible]

[illegible]

94.

[illegible] even
tho' [illegible] Mont 570
[illegible]

130

[illegible] subsequent [illegible] sub.
attempted [illegible]

1.) No alteration in ye devisor's circumstances except ye of marriage & ye birth of a child has as yet been decided to be a revocation of ye devise previously made (ye devisor being a male) but such an alteration of circumstances is a revocation. Prec 334 4 Bur 2174. 82. 1 P W 304. 1 Ey bes abr 413. Doug 33 Sal 592. Lit 441. 2 Atk 376. 1 Vesy 245. 1 bes 191. Yet, under spec circumstances 3 bes Jr 663. So, tho' ye child born is posthumous 3 T 249.

Isaac Seymour

April 13. 1820

131 [illegible]

132 [illegible]

133 [illegible]

Delisle

134

estate

partition

(Denise)

[illegible] 25, 3 [illegible] 2 J.R 692 [illegible] 2 Bl 400 [illegible] 2 J.R 680 [illegible] 179 [illegible] 75. yr point is not judicially settled. but J. G. agrees with Powell).

22 [illegible]

[illegible] natural [illegible]

[illegible] 123 [illegible] 237 [illegible]

27 [illegible] * [illegible] 130 [illegible] 147 * J.G says "Attorneyship" is more [illegible]

[illegible] 50,000,000 [illegible] 2 [illegible] 519 [illegible] 564 [illegible] 50,000,7 [illegible] 605 [illegible]

Devises

Derisc

41

42

* JG. says "To make y estre devisable" is mon brother

Devises

[illegible]

[illegible] 14

[illegible]

[illegible]

[illegible]

Specific

[illegible] 14c

[illegible]

Dennison

Freehold does not pass in gross.

145 And where [illegible] fact of [illegible] in a state [illegible] Lackawanna [illegible] contrary [illegible] not [illegible]

146 [illegible]

Leases

or 710

at £ y clause no bind

void *in fee simple.

146

Devises

49

(*Attempted Alteration) 1 Oct 1878

*[illegible]

Devises

[illegible] 2 Barn 76

[illegible] 121

[illegible] * Attempted * provided it conforms to governing clause in 4 St.

[illegible] 2 [illegible] 98

[illegible] 4 [illegible] This devise more roberly, is void on 4 Geo 2 clause

[illegible] 151

2 Barn & Ala. 80

Dessses

Derrses

Derrise

50

51

2.

Jerses

III. Le Mercredi 11 [illegible] et le Jeudi [illegible]

Dezzo

159

requisites

Devises

Derises

[illegible]

[illegible] 93

162 [illegible] 124

[illegible]

102 [illegible]

Exercises

*more intelligibly "conductional nerve"

Terre

[illegible]

122

[illegible]

[illegible]

[illegible]

Réservoir [illegible]

[illegible]

I [illegible] Réservoir [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

II [illegible] réservoirs [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

104 [illegible]

110 [illegible]

111 [illegible]

Inverses

[illegible]

[illegible]

[illegible]

III. Of Generation and Its Causes

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Devises

[illegible]

Effect of Republication

[illegible]

which will pass

Denisch

[illegible]

[illegible]

[illegible]

Revises

[illegible]

[illegible]

74

[illegible] 126

[illegible]

[illegible] 181

[illegible]

(Denrises)

[illegible]

[illegible]

182 [illegible]

[illegible]

183 [illegible]

Devises

[illegible]

[illegible]

[illegible]

Devises

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Denises

[illegible]

[illegible] "[illegible]" [illegible]

[illegible]

[illegible] 122

[illegible]

[illegible] 123

[illegible]

Devises

190 [illegible]

191 [illegible]

192 [illegible]

Derrises

193

194

95 [illegible] (Denise)

[illegible]

96 [illegible]

97 [illegible]

[illegible]

[illegible]

Fraudulent Conveyances Fr. Cons.

By [illegible] conveyances, Bonds, [illegible] contracts, made [illegible] creditors, are as [illegible] to be [illegible] representatives, successors & assigns [illegible] void [illegible] Fraud [illegible] 5?0 [illegible]

[illegible] also [illegible] fraudulent [illegible] 400 [illegible] conveyances [illegible] void [illegible] Post 43 Bac. ab. Fr. C.

[illegible] in Com. [illegible] 434 [illegible] 58⁴0 [illegible] 80, 110, 528, 578, 579. [illegible] 320, 83 [illegible] 444 [illegible] 890 [illegible] Fraud [illegible] 601 [illegible] general

Gr. Cons.

[illegible]

[illegible]

[illegible]

Fr. Cons.

3

4

* [illegible]

Fr. Cens

Lect 4. Palm 415 Bec. Fr. C.

5

6

x Qeud 19

Cons.

Decr 21st 4 Mod. 132 * Glanda 395

8

Dr. Con

9

Fr. Cons.

[illegible]

[illegible]

[illegible]

Pl. Cons

12

[illegible] debt is not recoverable in a Ct of L.

[illegible]

[illegible] Ch. 154

[illegible] settlement [illegible] of such a [illegible] interest would be voluntary as [illegible] at Eq. as Lent [illegible] Ver 7. 18. 2 Ch 270 Rob 662. 3 Ch 222 4 Ch 354 J.P. never c[d] discover reason of y above distinction

[illegible]

(Witnesses

II. [illegible]

III. [illegible]

Fr. Cons.

IIII. [illegible]

The children shd not suffer being innocent & having equal Eq

18

IV. [illegible]

V. [illegible]

*Fraud is implied by stranger was no Eq.

Fr. Cons.

19

[illegible]

20

[illegible]

21

[illegible] Ante 10 Post 59

Fr. Cons

22

23

24

24

25

Fr. Cons

Gather,

26

2. Cons.

27

28

29

Gr. Comp

30

Because it cant be raised on ex^2 it is said [illegible] "Ex 1" 8 "Ex 22 + attm 1" 78 l Ver 400

1

[illegible] in eq. [illegible] 1" [illegible] 339 [illegible] 258 [illegible] "contract" 1 4 85 "Pos" 39

2

[illegible] action 3 l 0 25.7 l Leon 233 1 Sr 165

Cons.

3

571 2 Mass 42

contra

33

* For at C.L. it action has a right to recover damages for other creditors

+ J.J. cannot see a reason

Cat. 2 Mass. 11, 29 4 T.R. 182 2 Burr 970

1 John 402 5 Cat. 124

24 [illegible]

35 [illegible]

36 [illegible] 43 [illegible] It [illegible] [illegible]

* Rob 442 & Rob 420 [illegible]

* Zeher on Leg 2

[illegible] Rob 455; 573 [illegible] Rob 140 [illegible] Rob 459

[illegible]tions.

[illegible]

[illegible] 3[illegible] [illegible] not [illegible] conclu[illegible] [illegible] 460 [illegible] 377 [illegible] there is no [illegible] without [illegible] The [illegible] settlement [illegible]

[illegible] 40,070. [illegible] 2 Cr. [illegible] 5 [illegible] # [illegible] 404 [illegible] 64 [illegible] it

[illegible] 4 6 5 2 [illegible] 231 [illegible] 2 [illegible] 4, 5 [illegible]

Tr. tons.

38

39

Item.

[illegible]

[illegible]

[illegible]

Fr. Cont.

[illegible]

42 [illegible] Rule it seems that a recovery in trover for money Lent & paid & on a special assumpsit after verdict set aside upon voluntary nonsuit or nonprosecution considered in Lt 489 Salk 294 [illegible] 758 [illegible] in other cases in the discretion of judge [illegible] in Lt 489 Holt 327 Ore Lt 17 Wm 202 If y judgt is impeached as being voluntary y Plff in y judgt must prove y t it is not so Secus if a Trial is had

[illegible] 41 Lt 450 90 [illegible] 1 Cay 1 C.3. 340. [illegible] Lt 400 [illegible] 329 [illegible] Cooks B.L. [illegible] 400.7 [illegible] 282 [illegible] 245 [illegible] 110

43 [illegible] Lt 135 [illegible] 405 [illegible] 477 [illegible] 443 [illegible] 387 comb. [illegible] 240 [illegible] 507 [illegible] 437 [illegible]

Mr. Cons

Fr. Con

[illegible]

[illegible]

Rob 503 Brock 175, 377 Coop 705 [illegible]

[illegible]

40 [illegible]

[illegible]

Bases a Praia

[illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]

[illegible]

[illegible]

[illegible]

49 [illegible]

Fr. Cens. 50

51

Fr. Cons

52

Fr. Cons

[illegible]

[illegible] Hob 72 5 60 80 678

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Dr. Cin

93

Mr. Lons

[illegible]

[illegible] The former is referred.

[illegible] 27

[illegible] it [illegible] 1810 [illegible] 270 [illegible]

[illegible]

[illegible]

[illegible]

Fr. Cons.

59

Fr. lens

[illegible]

[illegible]

[illegible] * Art. 22

[illegible]

[illegible]

[illegible]

[illegible] Art. 59

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Tr. cu. cu. 12

Sec. 74

[illegible]

[illegible]

[illegible]

Transact.

voluntary.

4

A party is not liable criminaliter unless his will concurs with his act

[illegible]

[illegible]

[illegible]

[illegible] Prem. el

[illegible]

[illegible]

[illegible]

Th. ou. el. 4

[illegible]

[illegible]

[illegible]

Fraudulent

The reason is rather a common-law not possession

9 The rule [illegible] "[illegible]" [illegible] "[illegible]" [illegible]

[illegible]

[illegible]

The person in possession either [illegible]

[illegible]

10 [illegible]

Relqu.

[illegible]

[illegible]

[illegible]

[illegible] 6 Oct 28

By course of nature the mercant a prima facie title or rule
correct or true

[illegible]

[illegible]

[illegible] 25

[illegible]

12 [illegible]

[illegible]

The [illegible] railway [illegible]

[illegible] The [illegible] in [illegible]

13 [illegible]

[illegible]

[illegible] 1.85 & [illegible] 402

[illegible]

[illegible]

[illegible]

10 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

See 1 Moody & Malkin 112 in Com. Law Rep. Vol 22 p 204

[illegible]

[illegible]

24 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

33 [illegible]

34 [illegible]

35 [illegible]

Annexe 4.

52 Examples [illegible] Trau. Cl. and with a continuando: [illegible]

[illegible]

[illegible] L. R. 240, [illegible] 3 Bl. 212

There are two ways of declaring with a continuando. 1. The trespass may be laid with a continuando [illegible] time [illegible] B [illegible] 3 Bl. [illegible]

2. [illegible] with [illegible] different days, [illegible] could be continuando [illegible] 3 Bac. 488 [illegible] 258, 258. But particular intervening days must be laid 3 Bac 100, [illegible] Ex. destroying herbage on different days [illegible] continuando Qu. Is this distinction attended to in practice!

Gen. Issue

Issue

[illegible]

[illegible]

2 [illegible]

[illegible]

[illegible]

[illegible]

Prelim. 7

[illegible]

Tessaime

[illegible]

A Cinq

Vite

[illegible]

[illegible]

* Le cont.

[illegible]

[illegible]

[illegible]

Appendix Z.

Evidence [illegible]

[illegible]

[illegible]

31

[illegible]

32

[illegible]

[illegible]

53 [illegible]

Of Ouster and the Remedies for it

Ejectmen

Ejectment and Disseisin

[illegible] Ouster is [illegible] 3 Bl. 57. 190 [illegible] Disseisin [illegible] Dispossession [illegible] 3 Bl. 169 190 [illegible] 3 Bl. 10

Ejectment is a form [illegible] for [illegible] together with damages 3 Bl. 199 [illegible] 2 Bac. 100 3 Co. 85 [illegible]
52 The action of Ejectment [illegible] person disseised or ousted [illegible] recovers [illegible] from [illegible] together with damages [illegible] Ejectment [illegible] term [illegible] Ejectment [illegible] of disseisin is strictly a mixed action [illegible] of [illegible] 3 Bl. 118 2 Bac. 150 Com. [illegible] Com. 2. 250 3 Bl. 199

[illegible] over [illegible] possession [illegible] committed [illegible] no remedy [illegible] damages [illegible] 3 Bl. 157, 8. 200 [illegible] 120 [illegible] possession of [illegible]

[illegible]

[illegible]

[illegible]

20 [illegible] Geechmen

[illegible]

(Vide 4 Day 328. Stiles on Carter Contra)

21 [illegible]

The mill race action

52 [illegible]

[illegible]

23

[illegible]

a. D.3

[illegible]

24

[illegible] as exist

[illegible] disabilities contemplated in the preceding [illegible] when the right of entry fell on [illegible] 1 Vat. 80. 4 Hall 181. Inc. v. Bush 13 Bradley Court. Eq. 4 Dev. 85. Contra. But a majority of the bench affirmatively in favour of the rule =

J. V. Parker J. Moot Ct. Ro.

The proposition a recovery of the land of the pl. within 20 years next before action brought under the Eng St. must be an actual possession & not presumptive. So that if he can't prove a possn in fact within 20 years he must be nonsuited (Ep. 432. Bul 102. Str 1142. Salk 421. Qu. No other person being in possn during that time? for there has been no ouster to bar the pl's original right of entry. I think he may recover (A. G.) But in such case no person will be let in to defend (semb) 3 Dd. 206. Ep 453. Bur 1291. Runn. 148. Wm. & Pedt.

62 [illegible]

[illegible]

[illegible]

[

Settlement

[illegible]

Adrian Dominion

[illegible]

[illegible]

* 5 May 181.

Gentlemen

50

[illegible]

Judgment

[illegible]

[illegible]

[illegible]

Not law now

P.T.B

12

13

ecement

[illegible]

74

[illegible]

75

[illegible]

76

Le Étamings

[illegible]

[illegible]

[illegible]

ement

80

Pen. Issue

Cette Evidence

Exement

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Ejectment

[illegible] 2 Bac 177 & 2 Ves 404 [illegible] 249 [illegible] Possession [illegible] possession [illegible] 3 Bac 253 [illegible] 270 [illegible] 514 [illegible]

Nature of Title

In ejectment [illegible] seldom or never [illegible] Title [illegible] 5 Bac 253 4 Bac 224 1 Bac 107 1 Burrows 328 [illegible] [illegible] 40 52 [illegible]

But [illegible] Possession [illegible] 5 Bac 254 4 Bac 222

Action of Trespass or Mesne Profits

In to Mesne Profits

[illegible] 9 Bac 181 [illegible] 1 Bac 105 [illegible]

Qs. for Mesne Profits

[illegible]

It may be said to be an increase of the rent [illegible] Bee 84 2 Burrows 1199 [illegible] 2 Bee 40 [illegible] 2477 [illegible] 502 [illegible] 40 [illegible] 41

It is seen that if he so elect mesne profits 48
is set for an account of profits Bee 2 is [illegible]
2 Bee 1 [illegible] 205 [illegible] are remitted 3 Bee
209 3 Bee 119 and Bee [illegible] [illegible] 2 Burrows 54 2 Bee 181
[illegible] 205

[illegible]

[illegible]

[illegible]

[illegible]

Pr. La Mesne

Profits

[illegible]

[illegible]

Wast

Wast

[illegible]

[illegible]

[illegible]

Waste

[illegible]

[illegible]

[illegible]

2 [illegible]

3 [illegible]

4 [illegible]

Insch

C.2

F

he sells it

Waste

[illegible]

13 [illegible]

Receipts and waste of revenue

[illegible]

14 [illegible]

Haste

[illegible]

1.

Pitts mal meinteure des actions

[illegible]

[illegible] Hist 110

[illegible]

[illegible]

18 But as immediate rem. [illegible] Mustc

[illegible]

19 For immediate rem. [illegible]

[illegible]

Fu[illegible]

Thesis

21

22

23

Against whom this action lies

Waste

24 [illegible] for they were [illegible] at C. L. [illegible] (tenants – Dower &c)

25 [illegible]

Waste

[illegible]

[illegible]

[illegible]

[illegible] Receipts in the section

[illegible]

[illegible]

[illegible]

[illegible]

The Lord of the Manor in waste has demanded only single claims. Our matter has been to see it at the Lunderton St Maxbridge. The Bp has accounted only single claims because he has [illegible] demanded no more but the St of Gloucester is [illegible] Close by St. Tite Bower is [illegible] to it State.

Pouvoir de Chancellerie

[illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

[illegible]

[illegible]

2. [illegible]

3. [illegible]

4

Parishy

Present Chy

[illegible] necessary or [illegible] [illegible] [illegible]

Pordefly

[illegible]

2. [illegible]

3. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Port of City

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 9

[illegible]

[illegible] 10

[illegible]

[illegible] 11

[illegible]

[illegible] 12

[illegible]

[illegible] Ch. 1

[illegible]

[illegible]

[illegible]

[illegible] of Ch. [illegible] [illegible] damages, [illegible] [illegible] [illegible] damages are recoverable at law [illegible] [illegible] [illegible] will never [illegible] a [illegible] [illegible] [illegible] [illegible] perform but will leave [illegible] to his remedy at law for [illegible] performance.

2. Questions are often made [illegible] [illegible] [illegible] [illegible] [illegible] no compensation [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] agreement in [illegible] 2 Bro. C. C. 224.5, [illegible] 2 P. [illegible] 243 [illegible] [illegible] [illegible] agreement [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1 [illegible] 3 [illegible] 907 2 P. [illegible] 244 [illegible] [illegible] [illegible] settlement [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] (1.)

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 14 [illegible] 5 [illegible] [illegible] [illegible] 398 2 [illegible] C. [illegible] [illegible] [illegible] 19 20 [illegible] [illegible] [illegible] [illegible] infants [illegible] 40 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] notice [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] as well as [illegible] [illegible] [illegible] [illegible] actual [illegible] [illegible] [illegible] [illegible] judicial sale [illegible] [illegible] or [illegible] made [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decreed. This is necessary to give effect to [illegible] proceedings [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1 Madd. 512 [illegible] 2 [illegible] C. C. 256 [illegible] [illegible] [illegible] [illegible] would be decreed in favour of [illegible] [illegible] [illegible] [illegible] [illegible] there would be a failure of justice. [illegible] 28.139 2 Bro. C. 341

Courts sometimes [illegible] where no [illegible] can be had Pow^r of Eq. at L. [illegible] between [illegible] at Law [illegible] not [illegible] specific execution [illegible] agreement in [illegible] [illegible] at L. [illegible] informal defect [illegible] [illegible] Ex. [illegible] 1 Pr 243 [illegible] 607 By formal defect he seems to mean technical difficulty. But [illegible] agreement [illegible] at Law by reason of event not happening as provided for by agreement
5. [illegible] not decree [illegible] agreement to settle on [illegible] death of his mother & his coming into possession ^ & he never comes into poss^n agreement not decreed, [illegible] 17 [illegible] 250 These exceptional cases appear to be rather insulated examples of gen. criteria

Difficulties arising from considering of rule "that where no compensation can be had at Law, no decree" universal, so far as relates to jurisdiction wh. enables Eq. to carry agreements into specific execution. The true ground of Eq.^y decreeing in such cases is founded on its appropriate jurisdiction over trusts, fraud or accident Ex. Obligor becoming executor to obligee, marrying y obligee &c 2 Pr 254.5 If recovery of damages at Law would be an adequate remedy, Eq., as a gen. rule, will not decree specific execution. [illegible] 28, 139. 2 Bro Ch 341 Equitable interposition not necessary

So far as equitable interposition depends upon the subject matter of contracts. Rule gen.^y Eq. will decree specific performance of no other executory agreements than such as relate to real property or realty. [illegible] will decree [illegible] into specific execution [illegible] [illegible] [illegible] affords at L. is deemed inadequate — as it generally is

[illegible] 24.

Ch. will not in ordinary cases decree specific execution of contracts respecting personal property for in such cases c^t of Law can give adequate remedy as [illegible] damages are [illegible] [illegible] [illegible] [illegible] 2 [illegible] 115 2 [illegible] 17 13 [illegible] [illegible] [illegible] adequate remedy 1 [illegible] 570 2 [illegible] 18

But cases of this kind depend very much on their 15 special circumstances & when ends of justice require specific performance [illegible] [illegible] [illegible] personal 2 [illegible] 2 [illegible] 305 [illegible] 383 [illegible] 248 [illegible] contract [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] performance [illegible] [illegible] in the case a agreement could not have been enforced at L. without [illegible] an agreement for 800 tons [illegible] to be paid for by instalments [illegible] 383 [illegible] 108 [illegible] under circumstances been decreed specifically.

Another exception [illegible] agreement respecting personal [illegible] is when fraud is mixed with damages [illegible] 3 [illegible] bill for injunction for fraud — [illegible] bill for relief [illegible] [illegible] Ch. will [illegible] [illegible] damages 2 [illegible] 116 [illegible] Vac 29 525 [illegible] covenantee is bound in Ch. [illegible] covenantor [illegible] is but reasonable [illegible] covenantor [illegible] covenantee should have his remedy there. [illegible] Bracken 1, 2

So in a bill in equity on a contract or personal matter which does not concern the realty, but filed on an order they will decree for jurisdiction is admitted 2 Ves. 15 Eq. Ca. Ab. 27 The Eccl. Court has power to decree a man to the Court of Chancery to answer upon oath in order to discover in equity or otherwise to enable the Court to decree a specific execution of a specific agreement 1 Bac. 525 1 Fonb. 278 130 2 P. C. 119 1 Ferr. 454 1 P. W. 282

Personal

If an agreement can only be performed by one of the parties to it and by any other it will decree one side or either party to do the act which is to be done by him for it is not fair that he should have a remedy for money as well as for the other for then it ought to be mutual remedies 2 Ver. 90 — A decree for a whole reversionary money. A gen. court of equity has a certain value not specified then it is no specific lien but not decreed 1 Ven. 276 4 P. W. 450 1 Ch. Cases 44 Land ought to be conveyed

Generally he who asks a decree must show that he has performed or is willing to perform his part it is well not to plead performance but it is enough to allege it 1 Ven. 383 1 Ch. Ca. 102 1 Ves. 57 2 Ver. 19 Fonb. 445 Sal. 112 Gen. Rule. When the plaintiff has performed his part on his side and is prevented by accident from performing the rest he is entitled to relief. Fraud or mistake neglect or delay on both sides is not relied 2 Ver. 190 1 Ven. 382 In the appointment £ 100 to B within two years B marrying without consent of trustees under the Marriage bond of wife's father within two years the jointure settled B covenant to pay £ 1000 Gilb. Eq. R. 185 1 Ch. Ca. 302

Powell 24 So in [illegible] case, La. Fagnell sett-led a manor on his wife & heirs of ye bodies & [illegible] pen-sion [illegible] to receive from her father £100 per annum [illegible] settled ye manor [illegible] before he approbated y^e [illegible] his lady died without issue, [illegible] but his bill not de-creed. Finch 445 [illegible] 35 [illegible] 187

Decree [illegible] specific performance [illegible] 19 [illegible] in [illegible] in [illegible] not [illegible] Ex. [illegible] agreement [illegible] freight [illegible] freight [illegible] performed only in part [illegible] 2 [illegible] 70 1 Ham 385 2 Vern 210 [illegible] Eq. 4.70 [illegible] 312

In [illegible] performance has been [illegible] to perform is equivalent to actual performance in eq. ** 1 Ham 384 [illegible] 110 2 Bro. [illegible] 540 2 [illegible] 120 3 [illegible] 40 Bro. C.C. 201. 325 2 Ves 299 [illegible] 239. 240 [illegible] and parol agreement is admitted not for ye purpose of enforcing parol agreem^t or of controlling ye written cont. but to instruct ye conscience of ye chancellor whether it would be equitable for him to enforce ye written cont. [illegible] party claiming [illegible] So when a written agreement has been afterwards altered by [illegible] Ves 92 [illegible] 92) [illegible] legacy [illegible] residue [illegible] principles [illegible] examined. * Hob 88 3 B & R 1312 4 J. R. 751 Sal 112 * But a Ct of eq. will not decree a written agreem^t under seal wh. has been discharged [illegible] by parol, & parol proof is admitted for the purpose of rebutting an eq. 1 Hamb 384 & other auth^s supra

20 [illegible] where an agreement has not been insisted on for [illegible] many years, there will be no decree unless [illegible] explained by special circumstances 2 [illegible] 275 2 [illegible] 230 [illegible] 384 2 Atk 310 [illegible] 534 [illegible] Mer. 2 [illegible] 52 [illegible] agreement was [illegible] to [illegible] lease [illegible] within 3 years [illegible] money [illegible] circumstances [illegible] is not [illegible] Fonbl 320 [illegible] ly from relieving [illegible] 150 **Part of Chy.**

The Possession [illegible] same [illegible] 384, [illegible] 2 Bro C.C. 24 ([illegible]) [illegible] a recklessness [illegible] in his favour — especially if circumstances [illegible] 1 [illegible] Cox 200 1 Bro C.C. 27 [illegible] 538 [illegible] when marriage agreements [illegible] made [illegible] 2 [illegible] C.C. 257 [illegible] 445 The same [illegible] in favour of a wife under marriage articles [illegible] was not a party (2 [illegible] C.C. 28 [illegible] 377 [illegible] her part by marrying

In various cases [illegible]

[illegible] made [illegible] ment to make a lease for forty years [illegible] for ten years [illegible] for 10 years [illegible] 3 Bro C.C. [illegible] 2. 19

Recital 21.

So if covenant performance is recorded in accumulation [illegible] 2 Bro C 38 [illegible] 8 Ves 284 Eq. ca. abr. 8. 3 Ves P. C. 382. 9 The doctrine of express obtained in some cases at least to L. 852. 2. 9 B 2 B. 173 2 T. R. 25 2 H Bl. 58 This doctrine seems at first to contradict a rule of law in sect. 104 22 that when a stranger performance of a condition precedent is recorded but in the case contemplated by a contract made by certain [illegible] for a performance would be unnecessary. So where one [illegible] for 10 years covenant for 20 years by deed will be good in Ch. for 10 years [illegible] 40 Hob 312 Mot at L. [illegible] 2 Ch. R. 2) then it is good in toto for a lt of L. [illegible] or not at all

Recital 22. [illegible] covenants to convey a [illegible] or issue" [illegible] 2 [illegible] 304 2 [illegible] [illegible] 2 [illegible] 29, Bro 38 4 Br 32, 64 [illegible] 2. 255 Fearne 25 Lc Devises 80 [illegible] 14 [illegible] for life [illegible] will devise a settlement upon his first [illegible] 23 [illegible] mentions a mere tenant for life [illegible] in succession 2 Bro C 41 Eq. ca. abr. 392 2 Vern. 658 2 Ch. 349 3 Br P. C 327 1 Ves 118 1 Ves 990 Prec T. C. 470 [illegible] 22 [illegible] 293 For in [illegible] you affect intent of [illegible] would be a [illegible] [illegible] technical [illegible] executed.

[illegible] 23 [illegible] 293 [illegible] 2 P. C. 2 [illegible] 2 Bro. 42 [illegible] 2 [illegible] 104 2 Vern. 658 2 Bro C 42 2 Ch. 349 3 Bro C 327 Ibid 398 Therefore, in favour of issue are seldom not to extend to female issue 2 P. C. 359. 9 [illegible] 371 Contra 2 P. C. 356 3 Bro P. C 327

But if a settlement was [illegible] executed before mar-riage giving her an estate tail & not expressed in the marriage articles, the settlement must stand. [illegible] 40. [illegible] agreement before marriage [illegible] from [illegible] articles [illegible] in such case presumed. 2 P. [illegible] The [illegible] articles [illegible] 1 P. Wms. 40 [illegible] 291 [illegible] 425 [illegible] Eq. ca. abr. [illegible] 10 [illegible] prevails [illegible] 2 — Money Cov.

[illegible] agreement [illegible] covenant [illegible] Vern. [illegible] 40 [illegible] time [illegible] agreement [illegible] time [illegible] considered [illegible] agreement [illegible] 2 [illegible] 49 2 [illegible] 1 [illegible] Eq. ca. con. 667. [illegible] considered [illegible] 2 P. Wms. 58. 95. 72

Money articled or devised to be laid out in land will be considered as land [illegible] 2 [illegible] 1 Vern. 413 [illegible] 35 [illegible] 433 [illegible] Prec. Ch. 413 [illegible] 307 [illegible] 94 [illegible] Eq. ca. con. 229. [illegible] 517 Hence money thus articled or devised [illegible] shall be settled on him [illegible] he shall have [illegible] of the money [illegible] But [illegible] the wife [illegible] the wife shall have dower in it, in that [illegible].

Ver. of Ch. 25

[illegible]

22

[illegible]

23

[illegible]

24

[illegible]

25

[illegible]

[illegible]

[illegible]

[illegible]

Ex. 3 of 41.

[illegible]

[illegible]

[illegible]

Agreement for the Lease of Estate [illegible]

[illegible]

1. Med 31-43.

Title as Penalty

Postponed

[illegible]

10 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Liquid[illegible]

[illegible] damages [illegible]

[illegible] 2 Bur [illegible] 2 P. [illegible] 1 Madd. 44 [illegible] 3 [illegible] 395 [illegible]

[illegible] has [illegible] damages [illegible] [illegible] 238 [illegible] Ex. Lessee covenants to pay £5 for every acre of meadow ploughed — Court of Ch. not to [illegible] a penalty in usual form — but where penalty is mere security for a collateral thing [illegible] compensation for it [illegible] 2 Ver 119 1 Fonb 191 4 Bur 2225 [illegible]

In [illegible] 1 Fonb 192 2 Ves 528 [illegible] Ergo [illegible] will decree performance on his application Ex. Case before stated of a penal sum [illegible] a penalty [illegible] Unless [illegible] should enjoin [illegible] would [illegible] plication of obligor [illegible] no [illegible] injunction in such case

[illegible] penalty [illegible] strument [illegible] entitled to relieve [illegible] 2 Ch. R. 159 [illegible] 44 591 1 Fonb [illegible] p. [illegible] 341 [illegible] for performance [illegible] 114 [illegible] 447 [illegible] tho' true no penalty is ever enforced in strict Law

[illegible]

[illegible] agreement

[illegible]

[illegible]

[illegible] 35

[illegible]

[illegible]

[illegible] equity [illegible]

[illegible]

[illegible]

[illegible]

22° [illegible]

[illegible]

[illegible]

23° [illegible]

Post of Che.

[illegible]

[illegible]

[illegible] 42 Lice

[illegible] 39

[illegible] 2 Pow 160-2, 174, 264

[illegible] 39

[illegible]

[illegible] Part of the

[illegible] 3 P. L. 20 [illegible] 3 P. L. 129 [illegible]

[illegible] £1000 [illegible] 1 Per 105.3 Reg. [illegible] 85.538.9 [illegible] 2 [illegible] 35 Per 3 E. 538.9 [illegible]

[illegible] 4 J. R. 100 [illegible] Be. 222.337.7 [illegible] Be 105, 150 [illegible]

[illegible] 1 [illegible] 002.475 [illegible] 3 [illegible] 34 [illegible]

[illegible] Per 174 [illegible] 30 [illegible] Per 174 190 [illegible] Per 474, 5

[illegible] £1 [illegible] 3 Per 441 [illegible] 3 Per 441 [illegible] 3 J. R. 441

Cont of Chu.

37 L 441. 4/-

[illegible]

[illegible]

[illegible]

43 Le Roi Pierre a [illegible] à issue [illegible]

[illegible]

[illegible]

44 [illegible]

[illegible]

45 [illegible]

Cont'd of the.

47 [illegible]

[illegible]

[illegible]

22 [illegible]

Fairfield.

[illegible]

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GEO. C. WOODRUFF